

# EXHIBIT 16

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD ROSARIO,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

18-cv-4023 (LGS)

**DECLARATION OF RHIANNA REY**

I, RHIANNA REY, an attorney admitted to practice in the State of New York, submit this declaration under penalty of perjury:

1. From March 2021 until September 2021, I was employed as a staff attorney at the firm Neufeld Scheck & Brustin, LLP, ("NSB") with offices at 99 Hudson Street, 8th Floor, New York, New York 10013. I was also a paralegal at NSB from 2012 to 2015.
2. I make this declaration in support of an application for attorneys' fees pursuant to 42 U.S.C. § 1988, covering the hours I expended on this matter. I am fully familiar with the facts discussed herein.

**EDUCATION AND EXPERIENCE**

3. I graduated from University of Notre Dame's Law School in 2018. From October 2019 to May 2020, I worked at the District of Columbia Attorney General's Office in the Civil Litigation Division as a law clerk. I worked at NSB as a staff attorney from March 2021 until I joined the New York City's Legal Aid Society's Class of 2021 in the Criminal Defense Bureau as part of the Parole Defense Unit. My resume is attached as Exhibit A.
4. During my time at NSB, I worked almost exclusively on 42 U.S.C. § 1983 civil rights litigation in federal courts around the country. My practice focused on wrongful conviction cases such as Richard Rosario's, involving lawsuits against police, prosecutors and/or state

and municipal crime lab employees for unconstitutional misconduct. This body of law, arising at the intersection of criminal procedure and civil rights, is relatively new and constantly evolving. To my knowledge, NSB is the only firm in the nation litigating these issues full time.

5. Generally, all these cases involve procedural defenses such as absolute and qualified immunity and require a nuanced understanding of the differences between what it takes to vacate a criminal conviction and the elements of civil liability. In addition, the cases typically involve the same sets of claims, including for fabrication of evidence, *Brady*, and malicious prosecution, and involve similarly flawed inculpatory evidence, including misidentifications caused by suggestive identification procedures. My focus on these issues during my time at NSB, as well as access to NSB's collective knowledge derived from litigating these cases for over twenty years, made my work on this case much more efficient than it otherwise would have been.
6. On behalf of Plaintiff, I am seeking compensation for my work at a rate of \$325 an hour. In my opinion, this requested rate is reasonable in light of the relevant market and my experience and skill.

#### **WORK IN THIS CASE**

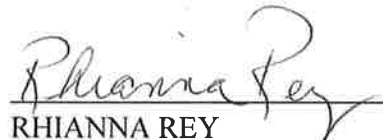
7. I am seeking compensation, on behalf of Plaintiff, for the time I spent on this matter from June 2021 to July 2021.
8. Under the guidance of my senior colleagues, Anna Benvenuti Hoffmann and Emma Freudenberger, I drafted motions in limine.
9. As set forth in the billing records attached as Exhibit B, which come from contemporaneously kept timekeeping logs, I am seeking compensation for a total of 24.2 attorney hours in this matter.
10. I have reviewed the attached billing record in its entirety, and made an effort to take a conservative and reasonable approach to the total hours for which I seek compensation. In my judgment, each hour set forth in Exhibit B was necessitated by the circumstances and

reasonably expended in pursuit of the ultimate favorable outcome in this complicated and important civil rights case.

11. I hereby declare under penalty of perjury that the foregoing is true.

Date: September 29, 2022

New York, NY

  
RHIANNA REY

# EXHIBIT A

**RHIANNA REY, ESQ.**

**EDUCATION**

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**University of Notre Dame's Law School**, Juris Doctorate, August 2015 – May 2018

Admissions: New York State Bar (2020), Illinois State Bar (2019)

Activities: Notre Dame Federal Externship Program: externed with Consumer Financial Protection Bureau and extensively studied administrative law for semester in Washington, D.C. (Spring 2018)

**Oberlin College**, Bachelor of Arts in Political Science, August 2008 – May 2012

Honors: Posse Foundation Scholarship: full-tuition award for first-generation students from Chicago, IL

Study Abroad: University of Córdoba (Fall 2010): directly enrolled in Spanish-spoken courses in Córdoba, Spain

**EXPERIENCE**

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**Legal Aid Society**, New York City

*Staff Attorney, Criminal Defense Practice, Parole Revocation Defense Unit, September 2021 – Present*

- Directly represent a docket of 30+ individuals in the parole-revocation process before the Manhattan Criminal Court
- Defend in recognizance hearings, preliminary hearings, part hearings and contested hearings regarding parole issues
- Write and argue writs of habeas corpus before the Bronx Supreme Civil Court concerning due process and statutory rights issues against Department of Corrections and Department of Community Supervision for in-custody clients
- Member of special litigation committee regarding the implementation of state law “Less is More” on Sept. 17, 2022

**Neufeld, Scheck & Brustin, LLP**, New York City

*Staff Attorney, Civil Rights Law Firm, March 2021 – September 2021*

- Represented plaintiffs in federal and state civil rights cases concerning police brutality and wrongful convictions
- Researched and wrote filings related to issues in the discovery, summary judgment and motion in limine stages

**District of Columbia Attorney General's Office**, Washington D.C

*Law Clerk, Civil Litigation Division, October 2019 - May 2020 (term appointment)*

- Assisted in state and federal cases based on constitutional, common law and statutory claims against the District
- Researched and drafted pleadings, dispositive motions, and summary judgment motions in actions based on education laws, labor and employment law, and in three federal cases based on FOIA and other disclosure laws
- Managed a complex discovery schedule in a high-value, wrongful-death action of a federal inmate by drafting monthly status-conference updates, reviewing disclosures, and defending the District's employees in depositions.
- Wrote memoranda on attorney fee/post-judgement interest issues, civil procedure inquiries and appellate issues

**Consumer Financial Protection Bureau**, Washington D.C.

*Full-Time Extern, Research Markets & Regulations, January - May 2018*

- Wrote a memorandum as part of the working group seeking to implement the Dodd-Frank Act's §1071 – a federal regulation that would monitor credit lending to minority-owned businesses – that sought to propose definitions for terms in the regulation by analyzing the proposed terms' potential impact on the financial market and discussing any conflicts or inconsistencies with existing definitions of similar terms that are being used in other financial regulations
- Wrote a memorandum that discussed then-pending bills seeking to create a federal database that would contain the identifying information of private-business owners and assisted with answering financial institutions' inquiries by providing informal guidance on compliance concerns with the newly-implemented Home Mortgage Disclosure Act

**SmithAmundsen, LLC**, Chicago, IL

*Summer Associate, Litigation, May - August 2017*

- Wrote pleadings and motions in state law actions defending manufacturers, retailers, and large insurers under the Consumer Product Safety Act in the State of Illinois and drafted motions in limine for a personal-injury matter

**Legal Aid Society**, New York, NY

*Summer Intern, Juvenile Rights Practice, May - August 2017*

- Defended youth in the foster-care system by compiling a survey of cases that identified constitutional violations where foster-care youth are transferred across state lines (e.g. discussions of violations of Fourth Amendment's reasonableness of seizures). Interviewed youth in detention centers to document uses of unlawful restraints.

**Neufeld Scheck & Brustin, LLP**, New York, NY

*Paralegal, Civil Rights Law Firm, Aug. 2012 – Aug. 2015*

- Managed the finalizing and filing of litigation papers in state and federal wrongful convictions matters nationwide

**U.S. Department of State**, Baku, Azerbaijan

*Student, Critical Language Scholars Program, May - August 2012*

- Post-undergraduate fellowship and was enrolled in Azerbaijani-language-speaking courses at the University of Baku

# **EXHIBIT B**

**ALL HOURS**

<b>Date</b>	<b>Person</b>	<b>Client</b>	<b>Activity</b>	<b>Description</b>	<b>Duration</b>	<b>Time Totals</b>
25-Jun-21	Rhianna Rey	Rosario (Richard)	Meeting	Meeting with Anna, Emma, Christina, Katie to discuss responses to MILs.	0:57	1.0
28-Jun-21	Rhianna Rey	Rosario (Richard)	Draft	Drafting response to permit plaintiff to use evidence of police training, procedures, and guidelines at trial.	4:59	5.0
29-Jun-21	Rhianna Rey	Rosario (Richard)	Draft	Drafting response to permit plaintiff to use evidence of police training, procedures, and guidelines at trial.	4:28	4.5
29-Jun-21	Rhianna Rey	Rosario (Richard)	Draft	of police training, procedures, and guidelines at trial to Emma.	0:27	0.5
30-Jun-21	Rhianna Rey	Rosario (Richard)	Draft	Met w/ Emma about draft response to MIL.	0:25	0.4
6-Jul-21	Rhianna Rey	Rosario (Richard)	Draft	Drafting MIL in response to a \$ amount to a jury.	3:10	3.2
6-Jul-21	Rhianna Rey	Rosario (Richard)	Draft	Drafting MIL regarding \$ to a jury.	5:54	5.9
8-Jul-21	Rhianna Rey	Rosario (Richard)	Draft	Editing response to MILs regarding police procedures.	3:44	3.7
12-Jul-21	Rhianna Rey	Rosario (Richard)	Meeting	Call with Anna, Emma, Nick, Kayla and Bianca.	0:06	0.1

<b>Total</b>	<b>24.2</b>
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